

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case 2:23-mc-51414-DML
HON. DAVID M. LAWSON

v.

RAMI LAZEKI,

Defendant.

**DEFENDANT’S OBJECTIONS TO ANSWER TO WRITS OF
GARNISHMENT AND REQUEST FOR HEARING**

NOW COMES Defendant, RAMI LAZEKI, through counsel, CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C., by MATTHEW C. WAYNE, and, for his Objections to Answer to Writs of Garnishment and Request for Hearing, states as follows:

I. INTRODUCTION

On or about September 29, 2023, Plaintiff, UNITED STATES OF AMERICA (“the U.S.”), filed its Application for Writ of Garnishment [ECF No. 2] as to Garnishee, THE CAPITAL GROUP COMPANIES, INC. (“Capital”), regarding monies held in accounts pursuant to I.R.C. § 529. The funds in these accounts, which are connected with Defendant, RAMI LAZEKI (“Lazeki”), are held for the benefit of two of Lazeki’s minor children, Mariam Lazeki and Juan Lazeki. [ECF No. 17,

PageID.103] On or about that same date, the U.S. filed its Application for Writ of Garnishment **[ECF No. 14]** as to Garnishee, JP MORGAN CHASE BANK NA (“the Bank”). On November 15, 2023, the Bank responded to Plaintiff’s request and furnished information regarding accounts it maintains on behalf of Defendant. **[ECF No. 19]**

II. STANDARD OF REVIEW

28 U.S. § 3205(b)(5) states as follows: “Within 20 days after receipt of the answer, the judgment debtor or the United States may file a written objection to the answer and request a hearing. The party objecting shall state the grounds for the objection and bear the burden of proving such grounds. A copy of the objection and request for a hearing shall be served on the garnishee and all other parties. The court shall hold a hearing within 10 days after the date the request is received by the court, or as soon thereafter as is practicable, and give notice of the hearing date to all the parties.”

III. OBJECTIONS

In its Answer of the Garnishee, **[ECF No. 17]** Capital provided information regarding account numbers ending in 2473 and 2510, which are for the benefit of Mariam Lazeki and Juan Lazeki, respectively. The procedure for execution of a money judgment is governed by state law. Fed. R. Civ. P. 69(a)(1). Under Mich. Comp. Law. § 600.6023(k)(iii), “[a]n account in a qualified tuition program or

educational savings trust under section 529 or 530 of the internal revenue code of 1986, 26 [U.S.C.] 529 and 530” is exempt from creditors. Accordingly, these accounts are exempt from seizure by, or forfeiture to, the government.

Regarding monies held by the Bank, Defendant asserts that, in the account ending 2019, Defendant’s home insurer paid \$16,500 to Defendant and his spouse stemming from a claim they filed after their primary residence was damaged by a storm in the summer of 2023. **[Ex. 1 and Ex. 2]** As Defendant’s spouse and minor children will continue to reside in said residence when Defendant reports to prison in January 2024, Defendant asks this Court to exempt these monies from seizure.

Lastly, Defendant’s minor children have the following accounts with the Bank: (1) Mariam Lazeki, account ending 9063; (2) Juan Lazeki, account ending 9071; (3) Zakariya Lazeki, account ending 7156; and (4) Ziyad Lazeki, account ending 7172. These are custodial accounts opened pursuant to the Uniform Gifts to Minors Act and, consequently, should also be exempt from seizure.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court schedule a hearing at which the parties may present their respective positions vis-à-vis the foregoing matters.

Respectfully submitted:

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

/s/ Matthew C. Wayne
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Dated: December 14, 2023

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record; and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: **N/A**

/s/ Matthew C. Wayne
Matthew C. Wayne